

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

DONALD W. MARVIN

v.

C.A. No. 99-427T

JOHN C. SANTOS,
a/k/a JOAO C. SANTOS &
JOHN DOE CORPORATIONS 1-5

MEMORANDUM AND ORDER

ERNEST C. TORRES, Chief United States District Judge:

Donald Marvin is a Pennsylvania resident who is currently incarcerated in a Pennsylvania prison. (Compl. ¶ 2.) He brought this action to recover for injuries allegedly sustained in an automobile accident that occurred in New Jersey on September 18, 1996. (Compl. ¶ 6.) Marvin alleges that he was attempting to pass a truck being driven by John C. Santos ("Santos"), a Rhode Island resident, (Compl. ¶ 3), and owned by C-Line, Inc., a Rhode Island company that has been identified as one of the "John Doe" corporate defendants. Marvin alleges that the accident occurred in the left hand passing lane when Santos "entered the left lane in violation of the laws of New Jersey since he was not passing another vehicle." (Compl. ¶ 9.)¹

The Complaint was filed in this Court on September 9, 1999, and the defendants move to dismiss on the ground that New Jersey's

¹ According to the defendants' memorandum, Marvin was in the process of fleeing from police in a high-speed chase at night and attempted to pass the defendant's vehicle in the breakdown lane without his headlights on. (Mem. Supp. Mot. Dismiss at 3.)

two-year statute of limitations for bringing personal injury actions, see N.J. Stat. Ann. § 2A:14-2, has expired. For reasons stated below, that motion is granted.

Marvin has not disputed the applicability of New Jersey's two-year statute of limitations. Instead, he argues that the defendants' motion "presents matters that are outside of the pleadings" and, thus, must be treated as a motion for summary judgment, (Mem. Opp. Mot. Dismiss at 1.), that cannot be filed without the Court's permission, (see Pre-Trial Order ¶ 5), and that must be accompanied by a statement of undisputed facts. Local R. 12.1(a)(1).

However, Marvin's argument is without merit. The Complaint, on its face, alleges that the accident occurred on September 18, 1996. Moreover, the court file shows that the Complaint was filed on September 9, 1999, which is nearly one year after New Jersey's two-year statute of limitations expired.

Marvin does not even claim that this case is governed by Rhode Island's more generous three-year statute of limitations, see R.I. Gen. Laws § 9-1-14(b), and for good reason.

A federal court sitting in diversity must apply the conflict of law rules of the state in which it sits. Klaxon Co. v. Stentor Elec. Mfg. Co., 313 U.S.487 (1941); LaPlante v. American Honda Motor Co., 27 F.3d 731, 741 (1st Cir. 1994). In resolving conflict of laws questions, Rhode Island has adopted an "interest-weighting

approach," under which the law of the state with the most "significant relationship to the event and the parties" is applied. Pardey v. Boulevard Billiard Club, 518 A.2d 1349, 1351 (R.I. 1986).

Among the factors considered are "the place where the injury occurred, the place where the conduct causing the injury occurred, the domicile or residence of the litigants, and the place where the relationship, if any, between the litigants is centered." Blais v. Aetna Cas. & Sur. Co., 526 A.2d 854, 856 (R.I. 1987). If the conduct and the injury occur in the same state, then the law of that state should govern "in virtually all instances." Id. at 857.

Here, both the injury and the conduct causing the injury occurred in New Jersey. Therefore, New Jersey has the most significant relationship to this dispute. In addition, Marvin's negligence claim is based on an allegation that the defendants violated "the laws of New Jersey." (Compl. ¶ 9.)

For all of the foregoing reasons, New Jersey law governs this case and that the plaintiff's Complaint is time-barred. Therefore, the defendants' motion to dismiss is hereby GRANTED.

By Order,

Deputy Clerk

ENTER:

Ernest C. Torres
Chief United States District Judge
Date:_____